

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

STANLEY STUBBS,

Defendant.

NO. CR21-032-RSM

**PRELIMINARY
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Stanley Stubbs's interest in the following property ("Subject Firearm"):

- One Glock 36 .45 caliber pistol, SN DBZ372.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate for the following reasons:

- On February 17, 2021, Defendant was charged by Indictment with, among other offenses, Conspiracy to Distribute Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and 846; and Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), Dkt. No. 1;

- The Indictment included forfeiture allegations providing notice of the United States' intent to forfeit, pursuant to 21 U.S.C. § 853, any property that constitutes or is traceable to proceeds of the offense charged in Count One, as well as any property that facilitated the offense; and, pursuant to 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c), any firearms or ammunition involved in the offense charged in Count Eight, Dkt. No. 1 at 6–7;
- On July 15, 2021, the United States filed a Forfeiture Bill of Particulars specifically identifying the Subject Firearm for forfeiture in the criminal case, Dkt. No. 58;
- On March 21, 2022, Defendant entered a plea of guilty to Conspiracy to Distribute Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846, a lesser-included offense of that charged in Count One of the Indictment, and Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), Dkt. No. 95;
- In his Plea Agreement, Defendant agreed to forfeit any property, including the Subject Firearm, used or intended to be used to facilitate the offense Charged in Count One, and any firearms or ammunition, including the Subject Firearm, involved in the offense charged in Count Eight, Dkt. No. 95 ¶ 13-14; and,
- The Subject Firearm is forfeitable pursuant to 21 U.S.C. § 853, as property used or intended to be used to facilitate the offense charged in Count One, and pursuant to 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c), as a firearm involved in the offense charged in Count Eight, both offenses being offenses to which Defendant entered a guilty plea.

NOW, THEREFORE, THE COURT ORDERS:

- 1) Pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), by way of 28 U.S.C. § 2461(c), as well as the Plea Agreement entered into by Defendant,

1 Defendant's interest in the Subject Firearm is fully and finally forfeited, in its entirety, to
2 the United States;

3 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
4 be final as to Defendant at the time he is sentenced, it will be made part of the sentence,
5 and it will be included in the judgment;

6 3) The Department of Justice, Drug Enforcement Administration, and/or its
7 authorized agents or representatives, shall maintain the Subject Firearm in its custody and
8 control until further order of this Court;

9 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
10 United States shall publish notice of this Preliminary Order and its intent to dispose of the
11 Subject Firearm as permitted by governing law. The notice shall be posted on an official
12 government website – currently www.forfeiture.gov – for at least thirty (30) days. For
13 any person known to have alleged an interest in the Subject Firearm, the United States
14 shall, to the extent possible, provide direct written notice to that person. The notice shall
15 state that any person, other than Defendant, who has or claims a legal interest in the
16 Subject Firearm must file a petition with the Court within sixty (60) days of the first day
17 of publication of the notice (which is thirty (30) days from the last day of publication), or
18 within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice
19 shall advise all interested persons that the petition:

- 20 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged
21 interest in the Subject Firearm;
- 22 b. shall be signed by the petitioner under penalty of perjury; and,
- 23 c. shall set forth the nature and extent of the petitioner's right, title, or interest
24 in the Subject Firearm, as well as any facts supporting the petitioner's
25 claim and the specific relief sought.

26 5) If no third-party petition is filed within the allowable time period, the
27 United States shall have clear title to the Subject Firearm, and this Preliminary Order
28 shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6) If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues it presents, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing on the petition is held. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and,

7) The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order, adjudicating any third-party petitions, entering a Final Order of Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

DATED this 31st day of May, 2022.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

s/Jehiel I. Baer

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